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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,801	08/07/2000	George Hsu		3013

22877 7590 01/08/2007  
FERNANDEZ & ASSOCIATES LLP  
1047 EL CAMINO REAL  
SUITE 201  
MENLO PARK, CA 94025

EXAMINER
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BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/633,801

Applicant(s)

HSU, GEORGE

Examiner

Djenane M. Bayard

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to amendment filed on 10/03060 in which claims 19-28 are standing.

#### ***Cross-Reference to Related Documents***

2. Applicant stipulated that the specification of 09/477226 filed on Jan. 4, 2000, contains matter sufficient for all claims pending in the application. However, the present invention, a "continuation-in-part" application (or "CIP" or "CIP application"), claiming filing date priority from Patent Application S/N 09/569746 filed on 5/11/00 which is a CIP to a patent application S/N 09/477226 filed on 1/4/00 is one in which the applicant *adds* matter not disclosed in the parent, but repeats some substantial portion of the parent's specification. Therefore, 2003/0009537 does not lack priority over the pending application.

#### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues based on the definition stated by Wang, a device must contain at least a processor and communication interfaces and an ability to exchange data. The word sensor and actuator do not appear in the Wang specification. However, the claimed invention failed to specify that devices of the present invention do not include at least a processor and communication interfaces and an ability to exchange data. Being a "sensing and actuating subsystem" does not exclude a device from having at least a processor and communication interfaces and an ability to exchange data. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that although the features upon which applicant relies are not recited verbatim in the prior art of record, Wang clearly teaches wherein a method which provides dynamic control and command devices in a

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home network thus providing actuating command to the devices. Applicant is respectfully reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the rejection stand as stated in the previous office action mailed on 3/27/06.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application No. 2003/0009537 to Wang.

a. As per claims 19 and 24, Wang teaches an Internet based home communication system.

Furthermore, Wang et al teaches an Internet-enabled control system for monitoring and controlling home-automated-systems and appliances at a user's premise, comprising: a base station with Internet connection at the user's premise, the base station in communication with sensing and actuating subsystems at individual ones of the home-automated systems and

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appliances (See page 25, paragraphs [0274, 0276] and page 26, paragraph [0289]); a first Internet-connected server communicating over the Internet with the base station, the first server monitoring the sensing subsystems and providing actuating commands to the actuating subsystems through the base station (See page 25, paragraph [0276]); an interactive display at a second Internet-connected server providing a set of services to the user not related to control of the home-automated systems and appliances ( See page 25, paragraph [0272 and 0277]); and an interactive control interface presentable on the interactive display by the second server, providing a control interface to the user, enabling the user to access settings, view conditions, and issue commands to the home automated systems and appliances over the Internet to the first server and hence to the base station and the systems and appliances themselves, (See page 26, paragraph [0288] and page 27, paragraph [0296]).

b. As per claim 20 and 25, Wang teaches the claimed invention as described above. Furthermore, Wang teaches wherein the authentication technique comprises a password (See page 27, paragraph [0294]).

c. As per claims 21 and 26, Wang teaches the claimed invention as described above. Furthermore, Wang teaches wherein the authentication technique is by prearrangement with the second server verifying the identity of the user or the Internet appliance controlled by the user (See page 27, paragraph [0294]).

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d. As per claims 22 and 27, Wang teaches the claimed invention as described above.

Furthermore, Wang teaches wherein the interactive interface comprises a window opened in the interactive display provided by the second server, the window providing information fields and input fields for the user to read conditions at and to provide input to the systems and appliances (See page 26, paragraph [0288] and page 295, paragraph [0295]).

e. As per claim 23 and 28, Wang teaches the claimed invention as described above.

Furthermore, Wang teaches a data center comprised one or more server computer in communication with a global network such as the Internet that provide many unrelated services (See page 2, paragraph [0014]).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.


The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER